

Rule Summaries for Amendments to the California Rules of Court and Standards of Judicial Administration Effective January 1, 2000

Appellate

Rule 14. Additional briefs and Rule 29.5. Questions of state law certified by federal appellate courts and other courts—Amended rules 14 and 29.5 will provide a procedure for parties and amici curiae to submit briefs in support or opposition on whether the Supreme Court should accept a request to answer a question of law certified to it by a federal or sister-state court.

Rule 35 (c). Preparation, certification, and filing of record—Amended rule 35 (c) requires the clerk to deliver the record on appeal to each appellant’s *appellate* attorney or to each self-represented appellant instead of to “each appealing defendant or to the defendant’s trial attorney,” as currently required. In capital cases, however, appellant’s trial counsel would continue to receive the record on appeal.

Civil and Small Claims

Rule 212. Case management conference and meet-and-confer requirement—Amended rule 212 allows the court to change the 30-day meet-and-confer requirement in a complex case.

Rule 305. Application for order shortening time and Rule 317. Time for filing papers—Amended rule 317 conforms to the new time limits for serving and filing papers that become effective January 1, 2000, as a result of the recent amendment of the Code of Civil Procedure, section 1005. Rule 305 is repealed and its provision on shortening time moved to rule 317.

Rule 363. Civil harassment and workplace violence—An amendment to rule 363 changes the title from “Civil harassment” to “Civil harassment and workplace violence” to indicate that the rule applies to section 527.8 (workplace violence) as well as section 527.6 (civil harassment) of the Code of Civil Procedure.

Rule 982.2. Case cover sheet (Complex litigation)—Amended rule 982.2 and revised *Civil Case Cover Sheet* (Form 982.2(b)(1)) implement rules 1810 through 1812 and allow a party to designate an action as a complex case.

Rule 996. Judicial Branch Statistical Information System (JBSIS)—Amended rule 996 extends the date by which courts will implement Judicial Branch

Statistical Information System (JBSIS) data collection and reporting requirements to January 1, 2001.

Rules 1800, 1810, 1811, and 1812 (Complex litigation)—New rules 1800, 1810, 1811, and 1812 define a complex case and provide a procedure to decide whether an action is a complex case that requires “exceptional judicial management to avoid placing unnecessary burdens on the court or the litigants and to expedite the case, keep costs reasonable, and promote effective decision making by the court, the parties, and counsel.” The revised civil case cover sheet (form 982.2(b)(1)) will be used by the parties to designate whether an action is complex.

Rules 1501.1, 2102, and 2105 (Complex litigation)—Rules 1501.1, 2102, and 2105, the coordination and differential case management rules, were amended to make technical changes and to conform to the new rules on complex litigation.

Rule 1830. Electronic service—Amended rule 1830 provides that documents filed electronically in a central depository and available to all parties are deemed served on all parties if ordered by the court in a complex civil case management order.

Family and Juvenile

Rule 1208. Minimum standards for the office of the family law facilitator—New rule 1208 provides standards for experience, training, and means of providing service for the office of the family law facilitator, as required by Family Code section 10010.

Rule 1258. Standards for computer software to assist in determining support—Amended rule 1258 provides that software programs certified under the rule for determining child support may be used in any court.

Rule 1277. Use of existing family law forms—Rule 1277 is repealed because it is obsolete.

Rule 1279. Reference to UCCJEA instead of UCCJA—New rule 1279 reflects the repeal of the Uniform Child Custody Jurisdiction Act (UCCJA) and its replacement by the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA).

Rule 1280.9. Reference in forms to conform to Family Code Division 17—New rule 1280.9 reflects the replacement of the district attorney as the local child support agency with the new county department of child support services and

provides that references to the repealed Welfare and Institutions Code section be deemed to refer to the corresponding new sections of the Family Code.

Rule 1424. Program guidelines for Court-Appointed Special Advocate programs—Amended rule 1424 requires a CASA program to specify in its governance plan a clear administrative relationship with the parent organization. The amended rule also prohibits any CASA program from functioning under the auspices of a probation department or department of social services after July 1, 2001.

Rules 1412, 1429.1, 1429.3, 1429.5 and 1458—Title Five, Division Ic, new Chapter 6 contains new rules 1429.1, 1429.3, and 1429.5, which address orders issued by the juvenile court: restraining orders, custody orders, and guardianships. Subdivision (o) of rule 1412 and rule 1458 are repealed because they are no longer necessary with the adoption of new rule 1429.5.

Rules 1455, 1460, and 1461—Amended rules 1455, 1460(c), and 1461(c) conform to recent statutory amendments that specify a plan of action if the petitioner is recommending removal of the child from the home.

Probate

Statewide Uniform Probate Rules: 7.1, 7.2, 7.3, 7.150, 7.201, 7.202, 7.203, 7.204, 7.205, 7.206, 7.250, 7.301, 7.401, 7.402, 7.403, 7.451, 7.452, 7.453, 7.501, 7.650, and 7.801—The new set of probate rules include rules relating to the appointment of executors and administrators, bonds, spousal property petitions, creditors' claims, sales of property, inventories and appraisals, distributions, and contested hearings.

Traffic

Rule 828. Traffic court—trial by written declaration—Amended rule 828 clarifies procedures for processing cases involving trials by written declaration and deletes the requirement that the clerk mail the defendant a form for requesting a trial de novo along with the decision.

Judicial Administration

Rule 6.90. Rules Governing the Judicial Council and Advisory Committees—

Rule 6.90 is repealed effective October 22, 1999, because it is inconsistent with the governance principles of the Judicial Council.

Rule 6.705. Notice of change in court-county relationship—New rule 6.705 requires that if, under Government Code section 77212, either the county gives notice to the court that the county will no longer provide a specific county service or the court gives notice to the county that the court will no longer use a specific county service, the court shall, within 10 days of receiving or giving such notice, provide a copy of this notice to the Administrative Office of the Courts.

Standards of Judicial Administration

Sec. 19. Complex civil litigation—Section 19 is amended to delete the complex “hearing” and “definition” provisions that are superseded by rules 1800 and 1812. The provision addressing selection of judges for complex litigation assignments is amended to make conforming changes and to provide that the presiding judge should consider (1) the needs of the court, (2) the judge’s ability, interest, training, and experience (including experience with complex civil cases), and (3) the judge’s willingness to participate in educational programs related to the management of complex cases.